

# **EXHIBIT A**

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04-15-08A08:22 RCVD

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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

**MICHAEL JOSEPH SOTO CORDOVA**, a  
single adult;

Plaintiff,

vs.

**RICKY MELROSE and JANE DOE**  
**MELROSE**, husband and wife; **CITY OF**  
**GOODYEAR**, a municipality and political  
subdivision within the State of Arizona; **JOHN**  
and **JANE DOES I-X**;

Defendants.

No.

**CV2008-007096**

**SUMMONS**

If you would like legal advice from a lawyer,  
contact the Lawyer Referral Service at

**602-257-4434**

or

**[www.lawyerfinders.org](http://www.lawyerfinders.org)**

Sponsored by the  
Maricopa County Bar Association

**THE STATE OF ARIZONA TO THE DEFENDANTS:**

**OFFICER RICKY MELROSE and JANE DOE MELROSE**, husband and wife;  
16004 W. Grant Street  
Goodyear AZ 85338

**CITY OF GOODYEAR**  
c/o Goodyear City Clerk  
190 N. Litchfield Road  
Goodyear AZ 85338

**JOHN and JANE DOES I-X**

**YOU ARE HEREBY SUMMONED** and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona -- whether by direct service, by registered or certified mail, or by publication - you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this State, the insurer shall not be required to appear, answer or plead until expiration of 40 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return. RCP 4; ARS §§ 20-222, 28-502, 28-503.

**YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

**YOU ARE CAUTIONED** that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiff's attorney. RCP 10(d); ARS § 12-311; RCP 5.

The name and address and telephone number of Plaintiff's attorney is:

J. Scott Halverson, Esq.  
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1761 E. McNair Drive, Suite 103  
Tempe, AZ 85283  
(480) 777-7776

**REQUESTS FOR REASONABLE ACCOMMODATIONS** for persons with disabilities must be made to the Court by parties at least three working days in advance of a ~~scheduled court~~ proceeding.

SIGNED AND SEALED this date:

Clerk of the Court



APR - 3 2008

MICHAEL A. JONES, CLERK  
F. DIAZ-SMOCK  
DEPUTY CLERK

By

Deputy Clerk

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11 Co-Counsel for the Plaintiff

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MICHAEL R. JEANES, Clerk  
F. DIAZ-SMOCK  
DEPUTY CLERK

8 SUPERIOR COURT OF ARIZONA  
9 MARICOPA COUNTY

10 MICHAEL JOSEPH SOTO CORDOVA, a  
11 single adult;

12 Plaintiff,

13 vs.

14 RICKY MELROSE and JANE DOE  
15 MELROSE, husband and wife; CITY OF  
16 GOODYEAR, a municipality and political  
17 subdivision within the State of Arizona;  
18 JOHN and JANE DOES I-X;

19 Defendants.

CV

CV2008-007096

COMPLAINT

(TORT NON-MOTOR VEHICLE)

20 For his Complaint against the Defendants, Plaintiff alleges as follows:

21 **JURISDICTIONAL ALLEGATIONS**

- 22 1. At all times relevant to this Complaint, Plaintiff ("Cordova") resided in Maricopa County,  
23 Arizona.  
24 2. At all times relevant to this Complaint, Defendant Ricky Melrose ("Officer Melrose") was  
25 an officer with the City of Goodyear Police Department, acting within the scope of his  
26 employment.  
27 3. The spouse of Defendant Melrose, if any, is named only to comply with the requirements  
28 of the community property laws of this State. All conduct of Defendant Melrose was  
performed on behalf of his martial community.

- 1 4. At all times relevant to this Complaint, Defendant City of Goodyear ("Goodyear") was a  
2 municipality and political subdivision within the State of Arizona.  
3 5. The events giving rise to this Complaint occurred in Maricopa County, Arizona.  
4 6. This Court has jurisdiction over this matter because the amount in controversy exceeds  
5 the minimum jurisdictional limits of this Court.  
6

7 **GENERAL ALLEGATIONS**

- 8 7. On or about May 29, 2007, Officer Melrose intentionally directed and caused a police dog  
9 to attack Plaintiff Cordova, after Officer Melrose and another Goodyear police officer,  
10 Officer McCurl, had subdued Plaintiff Cordova.  
11 8. Officer Melrose and Officer McCurl had complete control over Plaintiff Cordova, who  
12 was lying on his stomach, prior to the police dog's attack.  
13 9. Officer Melrose's conduct, described above, physically harmed Plaintiff Cordova.  
14 10. Officer Melrose and Officer McCurl were "acting in concert" with one another during  
15 their involvement in the above-described incident, as defined in A.R.S. § 12-2506(F)(1).  
16 11. Officer Melrose was acting within the scope of his employment as a police officer and in  
17 furtherance of his marital community, if any, during the above-described incident.  
18 12. Officer Melrose was acting under color of state law during his involvement in the above-  
19 described incident.  
20

21 **COUNT ONE:**

22 **ASSAULT, BATTERY AND EXCESSIVE FORCE**

- 23 13. Plaintiff hereby incorporates all previous allegations in this Complaint.  
24 14. Officer Melrose acted in a manner which caused Plaintiff Cordova apprehension that he  
25 would be harmfully or offensively accosted by the police dog.  
26 15. Officer Melrose intended that the police dog harmfully or offensively accost Plaintiff  
27 Cordova.  
28 16. Officer Melrose directed the police dog to accost Plaintiff Cordova in a harmful or

1 offensive manner.

2 17. Officer Melrose's intentional use of the police dog to attack Mr. Cordoba was excessive,  
3 unnecessary and unreasonable force, in violation of A.R.S. § 13-3881(B), and constitutes  
4 negligence *per se*.

5 18. Defendant Goodyear is liable for the actions of its agent, Officer Melrose, pursuant to the  
6 principles of *Respondeat Superior*.

7 19. This harmful or offensive touching by the police dog, at the direction of Officer Melrose,  
8 directly and proximately caused Plaintiff Cordova general and special damages; including:  
9 physical injuries, present and future medical expenses, pain, suffering, as well as mental  
10 and emotional anguish; all in an amount to be proven at trial.

## 11 COUNT TWO:

### 12 CIVIL RIGHTS VIOLATIONS

13  
14 20. Plaintiff hereby incorporates all previous allegations in this Complaint.

15 21. Officer Melrose, acting under color of state law, knowingly, willfully and intentionally  
16 deprived Plaintiff Cordova of his rights, privileges and immunities secured by the laws  
17 and constitutions of the United States and the State of Arizona, including the Fourth and  
18 Fourteenth Amendments, by:

- 19 a. Needlessly and unreasonably subjecting Plaintiff Cordova to excessive  
20 force exerted by a police dog at Officer Melrose's direction;
- 21 b. Intentionally directing a police dog to accost Plaintiff Cordova in a  
22 harmful or offensive manner and thereby assaulting him;
- 23 c. Denying Plaintiff Cordova his substantive due process of law; and
- 24 d. Denying Plaintiff Cordova his right to freedom from summary  
25 punishment.

26 22. Defendant Goodyear, acting under color of state law, knowingly, willfully and  
27 intentionally deprived Plaintiff Cordova of his rights, privileges and immunities secured  
28 by the laws and constitutions of the United States and the State of Arizona, including the

Fourth and Fourteenth Amendments, by:

- a. Improperly or inadequately training the police dog which attacked Plaintiff Cordova;
- b. Negligently and/or knowingly acquiring and utilizing the police dog in question, which had been improperly or inadequately trained;
- c. Hiring Officer Melrose without reasonably investigating or adequately determining his propensity for the type of improper conduct which he committed against Mr. Cordoba;
- d. Failing to adequately discipline Officer Melrose for any improper conduct prior to the incident at issue, which contributed to his illegal actions set forth above;
- e. Negligently retaining Officer Melrose and permitting him to remain in a position of authority, which provided the means by which he was able to commit the illegal actions set forth above; and/or
- f. Implementing, maintaining and tolerating policies, practices and customs which contributed to the improper conduct of Officer Melrose.

23. Defendant Goodyear is liable for the actions of its agent, Officer Melrose, pursuant to the principles of *Respondeat Superior*.

24. The above-described violations directly and proximately caused Plaintiff Cordova general and special damages; including: physical injuries, present and future medical expenses, pain, suffering, as well as mental and emotional anguish; all in an amount to be proven at trial.

### CONCLUSION

WHEREFORE, Plaintiffs respectfully request judgment against Defendants as follows:

- A. For general damages and losses already incurred, and to be incurred in the future, in an amount to be proven at trial;
- B. For past, present and future medical and related expenses incurred by Plaintiff Cordova in

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J. SCOTT HALVERSON



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21 subdivision within the State of Arizona;  
22 **JOHN and JANE DOES I-X**;

23 Defendants.

Case No. **CV2008-007096**

**CERTIFICATE OF COMPULSORY  
ARBITRATION**

24 The undersigned certifies that he or she knows the dollar limits and any other limitations  
25 set forth by the local rules of practice for the Maricopa County Superior Court, and further  
26 certifies that this case is **NOT** subject to compulsory arbitration, as provided by Rules 72 through  
27 76 of the Arizona Rules of Civil Procedure.  
28

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MICHAEL A. JEANES, CLERK  
F. DIAZ-SMOCK  
DEPUTY CLERK

1 DATED this **27** day of March, 2008.

2 LAW OFFICES OF J. SCOTT HALVERSON, P.C.

3  
4 By: 

5 J. Scott Halverson  
6 Co-Counsel for Plaintiff  
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